TRULINCS 76873067 - DOUGHERTY, KEITH THOMAS - Unit: PHL-D-N

FROM: 76873067
TO:
SUBJECT: Due Process Protection Act
DATE: 10/03/2024 06:39:45 PM

In The United States District Court
For the Eastern District of Pennsylvania

United States :
: 24-CR-264 CAM
v. : File Under Seal {For} 24-CV-4366
Keith Dougherty : Counterman v. Colorado (Protections)
:
:

Narrative Letter/Rule 16.1 eff. date 12/1/2019

Categorical Precedent(s) in pari materia "Elements Precedent(s)" e.g.. "Mail Fraud [or] Wire Fraud" [needing a "predicate offense" in the Same way as 924(c)]; & as in Lange v. California "Fleeing Felon"/ 'Castle Doctrine' [Boyd v. Untied States,116 U.S. 616, 625-630 (1886) ("proper way to interpret Fourth & Fifth Amendment intersection")]; "Constructive Possession" [can only be applied to "Contraband"]; "Constructive Treason" [1695 Treason Act] "Constructive Termination" Arbaugh v. Y & H Corp. (DBA "Moonlight Cafe"); "Constructive Transmission" of any "True Threat" ECF 108/ 19-CR-140 (MD PA); No Rule 12(d) Order Ever Provided: "[M]andatory Claim-Processing Rules" [Unanimous [Supreme] Cour[t] Precedent]] See: Santos-Sacarias v. Attorney General, 598 US __, 143 S Ct __, 215 L Ed 2d 375 (May 11, 2023) US LEXIS 189 Finally Adopted in the Third Cir 7/9/2024

And now Comes Keith Dougherty and files, this 'narrative' that is

required: under Federal Rule of Civil Procedure 16 eff. Date 12/1/2015;

Which "requires" [all interested parties to be in direct communication] even

if "teleconference" (where the court cannot protect 'the cowardly' [Gov-

Government Attorney]) or "more sophisticated electronic means"; It is A 3rd Amendment

violation to imply "Criminal Rule 16.1" requires, "communicating [only] through" a

Federal Government Employee W-2 [or] 1099.Misc.., see IRSW9

Summary of Narrative

I. The Third Cir. [lacks authority] to "Implement A Judicial Monarchy" [through] its "Legal Nobility"! See Article I Sec. 9 cl. 3; Along with Article IV Sec. 4. You are "commanded" to Protect "A Republican Form of Government" as detailed In Article IV Sec. 2 cl 1 "All Privileges" and "All Immunities" even if that 'scares' Your 'star witness' Former Chief Judge Conner [as merely an addressee] and not A "Real Victim"; see ECF 10 Pp. 1-3

II. As Heller Explains: The Initial Federal Government 'went bankrupt' as of 1787; where we are [now] "Morally Bankrupt", and teetering on Financial Collapse. The Only valid Piece of Legislation [to survive] was "The Northwest Ordinance" Fulton v. Philadelphia Concurrence of Alito, 174-175 Act of Aug , 1789 Stat 52 (reaffirming Art I

of Northwest Ordinance of 1787) [of 1787] Ushered through the NY forum by a Puritan Preacher from Massachusetts Manasseh Culter (of Numbers : 32 Fame), who then continued South to the Constitutional Congress, Philadelphia, and visited with Ben Franklin; The Product 'Called the 1787 Constitution' was "Rejected by the Colonies" until Jefferson from France and Adams from England [sent] Letters to Thomas Pain [Author of the Pamphlets 'Common-Sense'] Proffering: We [America] must be able to pay our bills, where "The Script used to Pay the 'Militias' (3%'rs) who "Won our Freedom" [from King George] is/are only returning .10 on the Dollar" ... so as a "Condition Subsequent" [under Common-Law Contract] Terms, will have the First Order of Business to "enact a Pennsylvania Like Declaration Of Rights"; then we 'ratified' the 1789 Constitution [only if the Bill of Rights] restrains Tyrannical "Tendencies" ... where "The Judicial Monarchy" [prefers] "Napoleonic Law" by any and all names, that has been rejected in the Last Unanimous Opinion written by Former Justice Ginsburg United States v. Sineneng-Smith, at 590 US 780-781; and n. 6 "Bruen"; so Bruen Confirms "Heller Has Not Changed" indicating, because "Self-Defense" in the "Core of the Second Amendment" [it cannot be infringed]; and can only have 'limited regulation'. Indicating "Armed Self-Defense" prohibits "declaring" weapons in common-use for self defense cannot be 'contraband' as Done in the Federal Territory aka the District of Columbia [and [once] having declared] "It is part of an Ordered System of liberty must be applied equally by the Fourteenth Amendment", Bruen, 213 L Ed 2d 418; "The Bill of Rights Only Restrains Federal Government", 408-409 once Identifying as in Article IV Sec. 2 cl. 1 "All Privileges" [Self-Defense and all "Immunities"] are 'Equally' Protected to "All Persons" [even 'for-profit corporations']; NAACP v. Button.

A. 554 U.S., at 597-598 [Defines] "Security of Free State" ... and the Opinion cites Article I Sec. 8 "Clause(s) 15 & 16" which [Confirms] "The Federal Government Cannot outlaw "Militias" " ... here "Declaratory Judgment" 28 USC Sec. 2201 [in pari materia] 28 USC Sec. 2241(a) Clause 3 or Clause 4 (c)(3) "Is Jurisdictional"

Definition of "A Well Regulated Militia" [The Accused Proffers];

Most "Municipalities" [are created by] a/the "Municipal Corporation Act or Acts"; as in "A non-profit Corporation" where when 'reversing' the Third Cir En Banc Justice Alito 'explains' the Corporate Charter explains "The Rights And Duties" of [Corporate Officers] and or "Members" See NAACP v. Button 371 U.S. 405 (1963) [The NY Non-Profit] Had 'standing' on its own to 'speak for its members';

Example of Categorical Precedent in Light of
United States v. Taylor 596 US 845 (2022);

Joseph Biden being interviewed by Lester Holt (In a Studio) not At a/an "Watts" [political rally] says "Someone Needs to Put a 'bullseye' On Donald Trump," ... [days later] ... a sniper shoots Donald J Trump in his Right Ear, "A Crime of Violence" [kills a bystander] and critically wounds a third Person: [Biden's Statement] (in Holt's Interview) It is a "True Threat" [defined by Counterman] (and is) Recklessly Transmitted [cable], TV, or X ... Question: Can the [Biden] "True Threat" Recklessly transmitted be a "Predicate offense for 924(c)"? Answer: No. Even though "A Person Died"!

United States v. Taylor n. 1 [The Dissent Admits] this analysis is "correct" and when integrated with " 'Long Standing [Supreme] Cour[t] (elements as fully explained in Ex Parte Keith Dougherty (Supplement #1)) precedent' ", USA_000161 "Puts Prosecutors in a Bind" [where in Violation of Sixth Amendment Autonomy as explained in McCoy v. Louisiana Id. 833 (2018)] Judge Connolly "Never Had Jurisdictional Authority to Grant the Government's Motion in Limine from the bench [while tactically] Refusing to place a Federal Rule of Criminal procedure 12(d) on the record". Federal Rules of Criminal Procedure 12.3 & 12(d) 'are "[M]andatory Claim-Processing Rules" as detailed in Santos-Sacarias, where Manrique Explains [even with] a Notice of Appeal until the Order is in the Docket 'no appeal can be had';

Counter Factual Detail

The court has been Misled [as to who has introduced] "Other Cases" creating doubt as to 'whether the accused is aware' [of] the Fatal Defect in the Four Count Indictment: see USA_000007-8; Citing SEC v. Joseph Cammarata [Keith Dougherty "Intervenor As a Matter of Right" [Taxpayer liability] upwards of $675,000,000.00 + "Resolved by Declaratory Judgment" [by this Court] that George Wysol is an "Appointment Clause Violation" [as under LUCIA v. SEC 584 US __ (2018)]]; as 'settled precedent'! See also SEC v. Jarkesky 603 US __ (2024) "Jury Trial" Mandatory, along with 23-2989 (3rd Cir.); 21-CV-4845 (ED PA);

> In honor of 'Keith Dougherty's Favorite Client (Kenneth Brady)' a voracious reader, and fan of Lee Child [Keith Dougherty] admits to his Origin(s) of/in [The Irish Clan "Destroyer"] where legend reports "They were Immune to the Plague" [and history has demonstrated] "a Bone Marrow Transplant" (donation) resulted in the only Documented 'Cure' of an AIDS Patient?
>
> Make Me, LEE CHILD 2015, p. 210:
>
> Apparently new research proved the bubonic plague in medieval Europe had been carried not by fleas on rats, as long supposed, but by fleas on giant gerbils from Asia. [Keith Dougherty seeks] 'A Federal Grand Jury' to add "Contributory Negligent Homicide" [to the Sins of Judge Connolly, Christopher Cruz [Pennsylvania Capitol Hill Police], and Caleb Curtis Enerson] Along with George Wysol et al. ... as the Father From Georgia 2 weeks + ago, facing 4 Counts (up to 180 Years);

Using 'Propensity' as [Probable Cause (evidence)] Impossible

1. ECF 10 Page 1-3; "Is where the Government Has Made an improper Reference to the First Conviction": A. Probable Cause And the Evidence In This Case

2. ...

The Letter contained threatening language aimed at Chief Conners and others. Including the statement that

"Keith Dougherty filed the paperwork "to establish a Well Regulated Militia" ... and at the appropriate time "will order the death of 3 State Court Judges by "bashing of skulls" ... and 3 District Court Level Judges and Magistrates by "Isis Style Behedding" ... and 3 Circuit Court Level Judges by "AR 15's" to ensure the "most just speedy and inexpensive" determination as to Habeas Corpus [related to 2nd & 14th Amendments] ..." and "Once the "Militia" Orders the execution of any Judge for "Constitutional Treason" [there will be no further appeal possible]" ". ... where [it is all legal] and requires: "Sullivan Test" (2 Part); Obscenity; and heightened "Incitement" [detail(s)] in Light of [Sureme] Cour[t] "Presdential Immunity" as invoked by any CEO of "A Well Reulated Militia" [to 'see to it the laws are faithflly excuted']!!!

4

TRULINCS 76873067 - DOUGHERTY, KEITH THOMAS - Unit: PHL-D-N

FROM: 76873067
TO: Brady, Dave; Cammarata, Rich; Wilson, Mark
SUBJECT: Basis of Discovery
DATE: 09/22/2024 07:45:27 PM

Explanation: 20-CV-3351/ 20-V-4177 (ED PA);

Article IV Sec. 2 cl, 1 "Immunity" [Protects] Joseph of the Bar Association (HEREINAFTER "LaBar");

As Elonis v. United States [reversing the 3rd Cir, 8-1 Opinion of Scirica] indicates "No Criminal Statute" can be 'sustained' [with an "Immunity"] reference to/of "Negligence", res ipsa locator [18 USC Sec. 2076] only 'survives' [Constitutional Scrutiny] "According to [Supreme] Cour[t] "Elements Precedent(s)" if "LaBar" [was "Willingly-Negligent"]"; where as an 'example "Dr. Berkowitz" can be [sued for medical mal-practice] based on "Scienter" (Latin for "Negligent") only if 'the plaintiff' obtains a "Certificate of Merit" [from a "Qualified Expert" of equal or greater "Professional Qualifications" ' e. g. A "Pain Doctor"]; ...

See also Shady Grove Orthopedic Ass. v. Allstate Id. p. 341 (Supplement #1) citing "The Rules of Decision Act (28 USC Sec. 1652)" which requires "application of State Substantive Law" using "Federal Procedure"

Explaining, the Erie Rule in pari materia Rules of Practice and Procedure [assuming "Minimal Comprehension" as applied by the [Bill of Rights, Bruen 213 L Ed 2d 418, 408-409, n. 6] ... who 'reviewed the 23 Counts and 'certified under oath' [the] required 'medical need' [used] fell below "The Professional Standard" [in his "Profession"]]' which requires "Licensing"!!! Then the 9-0 Ruan "Decision" [requires] AUSA Leahy to "Advise Dr. Berkowitz" [his plea-deal] can no longer survive The Congressional Mandate aka The Due Process Protection Act PL 116-182 (10/21/2020); 'as Ruan qualified/(s) as "Brady Progeny" '!!!

As such "Keith Dougherty [CEO] of Docson's Militia" must 'ascertain' that LaBar was aware that Default was 'properly invoked' 6/13/2023 [23-CV-1119 NIQA (ED PA)] 'before indicting him'!

Likewise: Keith Dougherty appearing before Pamela Carlos "Detention Motion" ECF 10; advised An Inferior Officer" [lacks "Tribunal-Jurisdiction" sufficient to "Dismiss" the (4) Count Indictment]; for "failure to find probable cause" as in Manuel v. Joliet [where Keith Dougherty] is being "Prosecuted Absent Probable Cause" and is "Seized as a Result"; all in violation of Fourth and Eighth Amendments" [seemingly clueless];

And openly expressed a/an completely incompetent understanding of United States v. Taylor 596 U.S. 845 (2022); n. 1, See USA_00061, n. 2, n. 3 and Dissent of Justice Thomas n. 1???

Explanation

The Third Circuit seems "completely unfamiliar" with our "Adversarial System" ... based on for instance Article I Sec. 8 cl. 18 (Necessary and Proper) "statutes" top of the list RFRA (1993) as amended RLUIPA (2000); along with The Speedy Trial Act, and then the Bail Motion Reform Act, when coordinated through the Bill Of Rights [[as] the most powerful of all Federal Laws]; see ECF 10, n. 12 "Labar" deceives "Carlos"; where in 19-CR-140 (MD PA); Keith Dougherty preserved his "Speedy Trial Act Rights" at the 9/12/2019

hearing; and it was a "Fatal Mistake" (by the 'Frequent Aggressive Gesturing Judge' (HERINAFTER "FAG Brain" Judge) to [say] "No we are only here today to determine whether Keith Dougherty can 'Represent Himself' (by local Custom "A Peppers Analysis" [absent "Jurisdiction"]") by "Oral Motion [Transcript Part of Discovery]" where Connolly had issued a "Standing Order" Denying Keith Dougherty's Use of PACER (equal Protection of the Laws); and 'requiring all filings be by mail' and to his [staff] 844 N. King Street, Wilmington, DE 19801; So what is ECF 271 "Was Received" [by the Delaware District Court and has a Date Stamp of 5/3/2023] making ECF 268 "Arrest Warrant" [as of 5/8/2023] a "Continuing violation of the "RICO Conspiracy" and a "Lozman v. Riviera Beach 'retaliatory arrest' " in violation of the First Amendment. In Justice Kennedy's Last Opinion (2018) he recognizes 'It is a mammoth Task' to Remove as "here Simbraw Inc. v. United States" [as] "Official Government Policy" that is now Declared as Hobbs Act Extortion by "Unlawful Force" (under "Color of Official Right" (Evans (1992) "the rough equivalent of taking a bribe" ('extorting a bribe' for any ABA member)):

[Triggering Title 18 Pa. C.S. Sec.(s) 501/503/505/ 506/507]; Federal Rule of Evidence 501.

Deposition of Former Chief Scirica (Related) to "The Panel of the Chiefs" organized by 'Former Chief McKee' [unlawfully combining 11-2631 & 11-3598 (3rd Cir.) in an effort to save Simbraw Inc. v. United States] and its 'progeny'

I. There Are "Continual references" to Act 10 (2011); 'which is Pennsylvania's Statutory Detail of "Self-Defense" ';

See Government of Virgin Islands v. Louis Smith, 949 F.2d 677; App. LEXIS 27412; 27 V.I. 332 Judges Becker, Scirica and Alito, circuit Judge Alito, dissenting.

Overview: Defendant was convicted of first-degree murder and unlawful possession of a firearm during the commission of a crime of violence ... [There's that Phrase Again?] ... pursuant to V. I. Code Ann. tit. 14 Sec.(s) 922(a)(1) and 2253(a). At trial, defendant alleged that he shot the victim as the victim was moving toward him and that he believed that the victim was reaching for a weapon. The district court instructed the jury on the elements of self-defense, but did not give a separate instruction regarding the burden of proof of self-defense. The court held that Virgin Islands Law required the prosecution to prove the absence of self-defense beyond a reasonable doubt and failure to instruct the jury on the burden of proof was "plain error," and deprived the defendant of a fair trial. The Court found there was sufficient evidence from which the jury could have found that the defendant acted in self-defense because the victim was the initial aggressor and threatened to kill defendant. ... (the much higher 'common-law' affirmative defense "requirement", Bailey (1980));

The Pa. 'Substantive law' protection is much "Greater"!
Title 18 Pa. C.S. Sec.. 505 Use of force in self protection

(a) Use of force justifiable for protection of the person.-- The use of force for protection of the person upon or toward another person is justifiable ... [see Counterman v Colorado] ... when the actor believes such force is immediately necessary for the purpose of protecting himself against the unlawful use of force by such other person ... [Count III George Wysol] ... USA_000027-28
Use of Force protection of Property Sec. 505(B) "Recaption" Under 507 'rules'.

"[M]andatory Claim-Processing Rules"
Aguilar v. Attorney General United States of America:

No. 18-3320 (3rd Cir. Opinion Filed July 10, 2024):

A Precedential Opinion: "Is the First Time Keith Dougherty Can Find" [where the Third Circuit recognizes] [Supreme] Cour[t] Precedent "[M]andatory Claim-Processing Rules 'are unalterable' (not subjectable to "equitable Tolling" or harmless error analysis [and]) Must Be Enforced When Properly Invoked"

Essential Understanding

Although the Government is wrong to suggest we thus lack jurisdiction-- the INA's exhaustion requirement is a non-jurisdictional claim-processing rule see Santos Zacria v. Garland, 598 U.S. 411, 421-23 (2023) -- we "must enforce the rule" where, as here, the ... [where the 3 dots mean 'litigant is adding' to the original [writing] the [litigant] ... "properly raises it." Fort Bend Cnty. v. Davis, 139 S. Ct. 1843, 1849 (cleaned up). Id. P. 7; see USA _000026

INS "Exhaustion" is synonymous with [Heller 554 U.S at 598, Citing Justice Story's Treatise on the Constitution: as 'A Militia is the Last Resort (aka exhaustion) of a Free Society' [who is "Extorting 3rd Party Bribes" [For all attorneys at law or Law School Students]]: aka "A Orderly Market Place [only] for ABA Members";

Federal Rule of Civil Procedure 12 "Requires" [Keith Dougherty's Opponents to 'File a Rule 12 Motion' for themselves] if "Objecting to" 1) "Subject-Matter Jurisdiction"; 2) "Personal Jurisdiction"; 3) "Venue"; 4) "Sufficiency of Summons"; 5) "Service of Summons" 6) "Failure to State a Claim"; 7) [or] "Indispensable Party";

And You Only get 1 "Chance": See USA_000383

Insurance Corp. of Ireland, Ltd. v. Compagnie Bauxites Guinee 456 U.S. 694, 702 (1982) (* Correcting "Third Circuit Reasoning" [while affirming judgment]);

"[T]he rule, springing from the nature and limits of judicial power of the United States is inflexible and without exception, which requires this court, of its own motion, to deny jurisdiction, and in the exercise of its appellate power, that of all other courts of the United States, in all cases where such jurisdiction does not affirmatively appear in the record." Mansfield, C. & L. M. R. Co. v. Swan, 11 U.S. 379, 382 4 S. Ct. 510, 511, 2 L. Ed. . 462 (1884). 9

When an 'incompetent attorney' [attempted to file] a 2nd Motion in violation of Rule 12 "It was Jurisdictional" and entering a $13,000,000.00 +/- Default Judgment [as a 'sanction'] did not "Offend Personal Due Process" (based on his opinion of Venue) ... * 1982 along with Griggs (1982).

Clarification

Since Griggs v. Provident Consumer Discount [was] (per curiam); It must be "adhered to" by 'All litigants' [or] as a "Sanction" [disbarment] until "Continuing Education Completed" e. g. Buckley v. Valeo, Eberhart v. United States, esp. Nitro Lift v. Howard,568 US 17, 133 S Ct 500, 184 L Ed 2d 328, (November 26, 2012); Caroll v. Carman, 574 US 13, 135 S. Ct. 348, 190 L Ed 2d 311(2014); Taylor v. Barkes, 575 US 822, 13 S Ct 2042, 192 L Ed 2d 78 (2015);

FROM: 76873067
TO: Brady, Dave; Cammarata, Rich; Wilson, Mark
SUBJECT: Unresolved
DATE: 09/29/2024 07:08:47 PM

USA_000007-8;

The court 'always' has personal jurisdiction to [recuse] however as in Union Pacific v. Locomotive Engineers (2008) Citing Chief Justice Marshal's long standing Precedent "cannot reject subject-matter jurisdiction" ; This is the #1 Failure Of the Third Circuit. As in "Supplement #1" 24-CV-4366 CAM [Tribunal-Jurisdiction & Personal-Jurisdiction] Default[ed]. 23-2989 En Banc Order [with a Footnote] referencing Nygaard "The Nincompoop" [aka] "A Stupid Person" as a "Senior Judge is [Jurisdictionally Barred] from 'voting En Banc' Due to the Quorum Statute [28 USC Sec. 46]"; however sees 'nothing wrong' with "Rejecting Subject-Matter Jurisdiction" [conveyed] by 28 USC Sec. 1651; in Light of Ex Parte: Young, 289 U. S. 123, 143 (1908) ("If the Court 'rejects jurisdiction because the question approaches the Constitution, it is Constitutional Treason' "), George Wysol [Seventh Amendment Jury] "Declaring all Chief District Court Clerks "Are an Appointment Clause" and "Separation of Powers" Violation as in Arthrex Inc. [inter partes]": 'Review' where The 'synagogue of "Satan" has Maintained [Simbraw Inc. v. United States] is "Not Hobbs Act Extortion" under Unlawful Official Force (under color of official right) [as detailed in] 23-CV-1119 NIQA (ED PA)]; where the only "Petition" left is Habeas Corpus, under the Habeas Corpus Act of 1679 (Thuraissigiam, Opinion of Thomas J., at 207 L Ed 2d 457-458 [Procedural Writ] to "Topple The Corrupt Judiciary");

The Phrase to Look For is "Rules of Decision" at [7];
FED Rule of Evidence 501 & The Rules of Decision Act!
28 USC Sec. 1657
"A Three legged Stool of Interpretation"

Hamer v. Neighborhood Housing Servs. Chicago, 583 US __ 138 S Ct 13, 199 L Ed 2d 249 (11/8/2017); US LEXIS 6765

Magwood v. Peterson, 561 U.S. 320, 334, 130 S. Ct. 2788, 177 L. Ed 2d 592 (2010) ("We cannot replace the actual text with speculation as to Congress' intent."). The rule of decision our precedent shapes is both clear and easy to apply: [7] If a time prescription governing the transfer of adjudicatory authority From one Article III court .... 24-CR-264 CAM ... to another ... 24-CV-4366 CAM ... [as well as Ex Parte: Andrew Berkowitz 20-CV-3351 & Ex Parte: Joseph Cammarata 23-CV-2238 (ED PA)] ...appears in a statute ... 28 USC Sec.. 2241(a) Clause 3 or 4(c)(3)/ 28 USC Sec. 1652 (Rule of Decision Act)/28 USC Sec. 1657 ("Clear Your Civil Docket Act") ... 28 USC Sec. 2243 "Forthwith," aka (Immediately) 1) "Issue the Writ" ... or 2) issue "show cause" ... whose "return is due in 3 days" ... unless the respondent for good cause seeks more time "Not to exceed

20 days" or declares the petition is 3) "palpably unmeritorious" .... there is no descretion to say "Denied With out Prejudice" ... (as a constitutional crime) ... , the time limitation is jurisdictional, supra, at __, 198 L Ed. 2d, at 253; otherwise, the time specification fits within the claim-processing category, ibid. 9

In dismissing Hammer's appeal for want of jurisdiction, the Court of Appeals relied heavily on our decision in Bowles. We therefore reiterate what that precedent conveys. ... The District Court granted Bowles motion, but inexplicably provided a 17-day extension, rather than the 14-day extension authorized by Sec. 2107(c). Ibd. "Because Congress specifically limited the amount of time by which district courts can extend the notice-of appeal period in Sec. 2107(c)," we explained, the Court of Appeals lacked jurisdiction over Bowles' tardy appeal. Id., at 213, 127 S. Ct.. 2360, 168 L. Ed. 2d 96.

Quoting Bowles at length, the Court of Appeals in this case reasoned that "[l]ike Rule 4(a)(6), Rule 4(a)(5)(C) is the vehicle by which Sec 2107(c) is employed and it limits a district court's authority to extend the notice of appeal filing deadline to no more than 30 days." 835 F.3d, at 763. In Conflating Rule 4(a)(5)(C) with Sec. 2107(c), the Court of Appeals failed to delineate between jurisdictional appeal filing deadlines and mandatory claim-processing rules, and therefore misapplied Bowles.

Perfect as to Ex Parte: Andrew Berkowitz 20-CV-3351 (ED PA);
Keith Dougherty "Applicant" as detailed in 28 USC Sec. 2242.

Where Berkowitz Gave the Habeas Corpus to the Correction

Officer 7/1/2020 [starting the 20 Day Clock], and it was

Docketed as a [notice copy in the Criminal Docket as of] 7/6/2020;

Starting the 24 Hour Clock [jurisdictional]; as of 7/9/2020 the Judge [Diamond];

(without Jurisdiction [Bowles]) issued a "Show Cause" to AUSA LEAHY

allowing until 7/23/2020 'to file a response'; where "Under Bowles

AUSA LEAHY only had until 7/21/2020 at 11:59 PM; to "File an Objection"

[and only if] she had "contacted the Court" as of 7/9/2020" [providing]

"Good-Cause" " which appears no where in the record?

We must stipulate Justice Ginsburg wrote more Unanimous Opinions involving the Subject of 'jurisdiction' than the rest of the Cour[t] Combined. Culminating in Hamer v. Neighborhood Housing Services of Chicago, 583 US __, 18 S. Ct. 13, 199 L E 2d 249 (November 8, 2017); "Seven Days" [after] order of Chief Smith, Former Chief Kane, and Former Chief Conner, [conspired with] Chief Clerk Welsh [of the Middle District of Pennsylvania] to "transfer 17-CV-1541 (MD PA) to Former Chief Judge Conti of the Western District of Pennsylvania [without lawful authority]"; "2nd Fake Victim"; First 'Conviction'!

When Keith Dougherty 'filed a timely notice of appeal' related to the Supervised

release violation Counts I, II, and III ([the] refusal to file a Balance Sheet and Income Statement [as a 'condition of release'] USA_00091); Were Count II "Is ECF 9" [now appearing] as Counts I & II, of ECF 1, 24-CR-264 (ED PA), [all time already served]; both 22-1666 and 23-2735 (3rd Cir) had/have been "Dismissed without Briefing or Due Process of Law" Relying [only] on IOP 10.6 & LAR 27.4 [in violation of Federal Rule of Appellate Procedure 47], where 23-CV-1119 NIQA (ED PA) demands 'permanent injunction' related to:

> "IOP 10.6/LAR 27.4" [as applied in all Keth Dougherty (cases)];
> Simbraw Inc. v. United States [aka] "A Standing Order" USA_000385-386
> Due To "The Law of the Case(s) from ECF 1 78-79; 23-CV-1119 NIQA (ED PA)":
>
> Filed as "Self-Help", Lange v. California, 594 US __, 141 S Ct 2011, 210 L Ed 2d 486, 503 (June 23, 2021) US LEXIS 3396
>
> Concurrence of Thomas, J.
> "[O]fficers who violated the Fourth Amendment ... [[as] 'Making False Presentations' to a Grand Jury (Elements Precedents)] ... were traditionally considered trespassers." Utah v. Strief, 579 U. S. 232, 237, 136 S. Ct. 2056, 2061, 195 L. Ed. 2d 400 (2016). For that reason, "individuals subject to unconstitutional ... [seizures] ... historically enforced their rights through tort suits or self-help." Ibid. ... [as a last resort] ??? Justice Thomas 'seemingly unaware' Federal Rule of Evidence 501 [struck down the following] ... But beginning in the 20th Century, this Court created a new remedy: exclusion of evidence in criminal trials. Ibid. [Struck Down as of] 12/1/ 2011.

see Thompson v. Clarke 596 US 36 (2022);

> In this case ... [as in all of the 'Defaulted Habeas Corpus[es]' (stipulating to the record) ... Thompson sued several police officers under Sec. 1983 ... [and here] Sec. 1985] ... alleging he ... [they] ... was ... [were/are being] ... "maliciously prosecuted" without probable cause and that he was seized as a result. App. 33-34. He brought a Fourth Amendment claim under Sec. 1983 for malicious prosecution, sometimes referred to as a claim of unreasonable seizure pursuant to legal process. This Court's precedents recognize such a claim. See Manuel v. Joliet, 580 U. S. 357, 363-364, 367-368, 137 S. Ct. 911, 197 L. Ed. 2d 312 (2017);
>
> New "Salinas Co-Conspirators" US_000023; Patricia Dodszuwit, Patricia Romano ... [aka] The "Vagina Hat" Prosecutor. See Also Comine, Hartman, Frachi etc. ...
>
> 23-CV-1119 NIQA (ED PA); ECF 9 [Serves] as Count II of the Supervised Release Where USA_000007-8 "Includes 21-CV-04845 (ED PA) along with 23-2989 (3rd Cir)";
>
> To 'establish [the last resort] it is essential to obtain:'
> the Order denying En Banc Review of 23-2989 (3rd Cir.)
> attached as a supplement #1 24-CV-4366 (ED PA);
>
> USA_000024 "Citing Bouchler P.C. v. Commissioner 596 U.S. __ (4/21/2022); "If you attempt to cite "Case Law" [determinations] as "Jurisdictional" [it can only be " 'Long standing [Supreme] Cour[t] precedent left undisturbed by congress' "], Citing Fort Bend County Texas, 139 S. Ct. 1843, 1849 (6/3/2019)";
>
> Providing [a] hyperlink for Drop Box Link: 93 Page Opinion of Judge Cannon United States v. Trump Pp. 12-13 'adopting Keith Dougherty's Argument' Jack Smith is an Appointment Clause violation [see 23-CV-1119 NIQA (ED PA) ECF 1, p. 18].

FROM: 76873067
TO: Brady, Dave; Cammarata, Rich; Greenfield, Steve; Wilson, Mark
SUBJECT: Paul Harvey
DATE: 09/30/2024 08:43:11 PM

Paul Harvey 'The Rest of the Story':
Adding (all) January 6'rs;
Jason Blithe (82927-509);
William Dunfee (25091-510);

Summary of Argument

The McHugh Court [has received] 'this steaming pile of manure' and must answer (1) One Question: "Do You Want America to Survive what we will call this "Generation""? If answering in the Affirmative? You simply must [either] Declare George Wysol (and all others similarly situated) An "Appointment Clause Violation" [causing the "Termination" of] the clerks as Mere Federal Employees of their respective 'District Courts' [placing them on Administrative Leave] 'Until Re-Appointment' by the (9) Nine Member 'Constitutional Office' that [delegated] Federal Rule of Civil Procedure 55 ("Default by The Clerk"); or use the Comill USA LLC v. Cisco Systems Inc., 575 US 632, 135 S Ct 1925, 191 L Ed 2 883 (5/26/205); US LEXIS 3406 'Model' [[A] Separate 7th Amendment Jury] to "Declare Invalidity" [on part of the] American Bar Association Members; aka the 'synagogue of "Satan" ' [as applied] to Faretta v. California, 422 US 806 (1975) n. 37, Attached.

> That In All Courts, all persons of all persuasions, may freely appear in their own way, ... and accordng to their own manner [here 'using "Excessive Punctuation" and reference to the King James Bible (1611) as a 'valid legal reference' related to the Frame of Government (1682)] ... and plead their cause themselves or if unable ... by their friends ... [clarified] in n. 32 [under the Bruen Test] in the 17th Century many jurisdictions declared it illegal to "Pay Anyone" to represent you in court [believing] it incentivized "Perjury" ... identified as 18 USC Sec. 1623 (Lawyers Trained to Lie [by telling the Truth]);
>
> Per Curiam Opinions of the [Supreme] Cour[t] Require
> "All Litigants to Comply or face Sanctions"
> United States v. Watts [394 US 711]
>
> Example of First Amendment Violations Rejected Per Curiam
> As in Watts [then confirmed] in Counterman!

Yet the present statute has hardly fared better. "Like the Statute of Treasons, section 871 was passed in a 'relatively calm peacetime spring.' but has been construed under circumstances when intolerance for free speech was much greater than it normally might be." Note, Threatening the President: Protected Dissenter or Political Assassin, 57 Go LJ 553, 570 (1969). Convictions under 18 USC Sec. 871 have been sustained for displaying posters urging passerby to "hang [President] Roosevelt." United States v Apel, 44 F Supp 592, 593 (DC ND Ill 1942); for declaring that "President Wilson ought to be killed. It is a wonder some one has not done it already. If I had an opportunity, I would do it myself." United States v Stickrath, 242 F 151, 152 (DCSD Ohio 1917); for declaring that "Wilson is a wooden-headed son of a bitch. I wish Wilson was in hell, an if I had the power I would put him there," Clark v United States, 250 F 449 (CA5th Cir 1918). In sustaining an indictment under statute against a man who indicated that

he would enjoy shooting President Wilson if he had the chance, the trial court explained the thrust of Sec. 871. ... All Rejeted per curiam (Not Qualifying as a "True Threat")!

In ECF 10 p. 3; n. 2) Using Saul Alinsky's Rule 5 [characterizing] the Adversarial System of America as "rancor" including n. 3) Citing "Fake Victim" #5's adhominum attack in 13-1040 'The Court of Appeals describes him as "a frequent and frequently vexatious litigator in the Court" [Continuing] n.4; only to repeat the exact citations ECF 10 p. 10; N. 9, n. 10, & n. 11?

Of Particular Interest!

I Keith Dougherty Professes a Belief in the One True God, whose most inflexible Law is Free Will.

Keith Dougherty religiously believes it is 'a sin' to attempt to coerce anyone to "Accept Your Beliefs":

Docson's Militia is a Pennsylvania Non-Profit Corporation organized as of 9/12/2016; whose Corporate Charter states: "To preserve the Common-Law for All Individuals as well as "Owners"" with a Motto Psalm 144: 1 "Blessed be my God, my Rock, who trains my hands for War and my Fingers for Battle (as the First Technology Statement in the Bible [Translated "Books"]);

See: Opinion of The "Reprobate" [Jordon]; "One who when presented with the Facts and Law Even when getting the "Judgment Correct" [gets The reasoning wrong]; See Hall v. Hall 138 S. Ct. 1118, 200 L Ed 2d 399 (2018) 9-0 "Reversal" [of] Jordon, Hardiman, & Chagares [void when] 'attempting to combine cases'; aka "Tribunal-Jurisdiction".

E.g.. as attached: 13-1040/13-1904 (3rd Cir) 'was required due to the Griggs Principle Violation' in 10-3253 (3rd Cir.) and References a [Supreme] Cour[t] Mandamus that affirms in 1964 "The [Supreme] Cour[t] was responsible for 'establishing and enforcing' "The Rules of Practice and Procedure" [and their enforcement]"; and therefore 'could issue an order directly to the District Court' That they had mis-applied Federal Rule of Civil Procure 35 (Invalid application of rules of Evidence);

Schlagenhauf v. Holder, 379 US 104, 13 L Ed 2d 152 85 SCT 234 (November 23, 1964)

... However, in this instance the issue concerns the construction and application of Federal Rules of Civil Procedure. ... [here] Rule(s) 12 & 55 ... It is thus appropriate for us to determine on the merits the issues presented to formulate the necessary guidelines in this area. See Van Dusen v Barrack, 376 US 612, 11 L ed 2d 945, 84 S Ct 805. As this Court stated in Los Angles Brush Corp. v James, 272 US 701, 706, 71 L ed 481, 483, 47 S Ct 286:

"[W]e think it is clear that where the subject concerns the enforcement of the ... Rules which by law it is the duty of this Court to formulate and put in force ... it may ... deal directly with the District Court ..."

See McCullough v Cosgrave, 309 US 634,84 L e 992, 60 S Ct 703.

where the 1988 "Improvements To Access to Justice Act" Congress "Repealed the Authority of the [Supreme] Cour[t] to 'create or modify Rules of Practice and Procedure' [by removing] the Phrase "Supreme Court" from 28 USC Sec. 2071(a) and substituting 28 USC Sec. 2072, and going on to "Repeal 28 USC Sec. 2076" " adding paren (b) to 28 USC Sec. 2074 "Confirming" no 'modification' to rules of evidence have force of law until announced in an Act of Congress! See Federal Rule of Evidence 501 "Striking Down all [Supreme] Cour[t] Exceptions" to the

"Privilege Law of Pennsylvania" including "Self-Defense"!!! And The Due Process Protection Act PL 116-182 (10/21/2020) "Requiring "LaBar" to move to withdraw The Motion In Limine [filed] in the original Conviction 'granted from the bench'.

Second Amendment Foundation Inc. v. Commissioner Pennsylvania State Police, 91 F.4th 122; 2024 U.S. App. LEXIS 1159 (January 18, 2024);

Madison Lara, Sophia Knepley, and Logan Miller, who were in that age range when they filed this suit, want to carry firearms outside their homes for lawful purpose, including self-defense. ... {2024 U. S. App. LEXIS 2}

No doubt, the Commissioner is correct that a duty to possess guns in a militia or National Guard setting is distinguishable from a right to bear arms unconnected to such service. See Nat'l Rifle Assoc. v. Bondi, 61 F.4th 1317, 1331 (11th Cir. 2023) (cautioning against the conflation of the obligation to perform militia service with the right to bear arms). Still, the Second Militia Act is good circumstantial evidence of public understanding at the Second Amendment's ratification as to whether 18-to-20-year-olds could be armed, especially considering that the Commissioner cannot point us to a single founding era statute imposing restrictions on the freedom of 18-to-20-year-olds to carry a gun. 21 {202 U.S. App. LEXIS 21} ... Finally, even though there were founding-era militia laws that required parents or guardians to supply arms to their minor sons, nothing in those statutes says that 18-to-20-year-olds could not purchase or otherwise acquire their own guns.

The Only Valid Federal Case on the Covid-19 Scamdemic was Butler County v. Governor Wolfe 20-CV-677 (9/14/20 WD PA) where the 3rd Cir "Stayed the Order" and the People Amended the Constitution Eff. Date 4/18/2021;

When this suit was filed in October 2020, "Pennsylvania had been in an uninterrupted state of emergency for nearly three years" due to gubernatorial proclamations related to the Covid-19 pandemic, the opioid addition crisis, Hurricane Ida. (Comm'r letter Br. at 4-5.) ... Pennsylvania recently amended its constitution to [2024 U.S. App. LEXIS 4] limit the governor's authority to issue emergency declarations to twenty-one days, unless the General Assembly votes to extend it, Pa. Cont. art. IV, Sec. 20. Subsequently all state-wide emergency declarations lapsed. ... [Where Wolfe had threatened to use the Michigan Governor's tactic ignoring the law and using his Executive Employees [where Article IV Sec. 4] would have required A Constitutional confrontation].

FROM: 76873067
TO: Brady, Dave; Cammarata, Rich; Greenfield, Steve; Wilson, Mark
SUBJECT: Summation
DATE: 10/03/2024 06:41:40 PM

Summation:

Keith Dougherty 'avers' He has been Judicially Attainted In Violation of
Article I Sec. 9 cl. 3 [the 'Attainder Clause'] all in Violation
of Article IV Sec. 2 Cl. 1 [Self-Representation] of his
Person(s) [as an extension of [Self-Defense]]!

Heller 'confirms' as supra "Militia's Are Protected by the Second Amendment"
Where ECF 10 p. 2 "Attempts to Criminalize A Paragraph" as to
"its Content, [as] Rejected in Watts" per curiam
"It Cannot Be 'probable cause' and 'propensity evidence
is inadmissible"

See USA_000038

Nieves v. Bartlet 87 US __ (2019): Opinion of Gorsuch, J.

Here's another way to look at it. The common law tort of false arrest translates more or less into a Fourth Amendment claim. That's because our precedent considers a warrantless arrest unsupported by probable cause-- the sort that gave rise to false arrest claim at common law-- to be an unreasonable seizure in violation of the Fourth Amendment. See Manuel v Joliet, 580 U. S. __, __, (2017) (slip op., at 10). But the First Amendment operates independently of the Fourth and provides different protections. It seeks not to ensure lawful authority to arrest but to protect freedom of speech Slip op. 3;

Categorical Approach Using The Ocasio Analysis

I. Assume Judge Connolly [goes into a Fast Food Restaurant] and has a concealed weapon, he is accompanied by Stephen J Carmichael and Robert Comine [[as] employees], along with Matthew Hartman [[as] protector]; he says to the Owner "these are my people and they will come in every Friday [and collect] $300.00.", and they will [then] make sure all of the People I have on Supervised Release won't rob you. The Owner Agrees.

The Crime is Hobbs Act Extortion 18 USC Sec. 1951(b)(2), obtaining property from another with "His Consent" [under threat of force]; and Connolly 'can be charged with 924(c)';

See n. 2 United States v. Taylor.

II Next Case a Business owner is suing for 'declaratory judgment' of the Definition of Corporation, under Pennsylvania Statute Sec. 7401. The Assistant Attorney General For Pennsylvania [petitions the court] saying "He [the owner] Can't Appear pro se"; the Court As in Rhino v. Berg Manufacturing 'agrees'.

The Crime is Hobbs Act Extortion using Unlawful Official Force "Under Color of Official

Right"; The Judge and Attorney are facing up to 20 Years 'but cannot be charged with 924(c)' [because] it is not a "Crime of Violence" nor is it 'obtaining property' using the threat of Violence. There is no "immunity".

Legal Standard

United States v. Feola 420 US, at 686 (1975)

("When a Federal Employee [or] Official 'Fails or [refuses] to identify their "lawful Authority" (Enumerated Powers Doctrine)'; [having 'no police powers' and no 'parens patrea'] their actions may "reasonably be construed [Title 18 Pa. C.S. Sec. 501]" as "Unlawful Force Toward or Upon the Person" [Title 18 Pa. C.S. Sec. 505(a)/ 506 [of] the person 'of another' [or] Title 18 Pa. C.S. Sec. 507] or his Property.") 18 USC Sec.(s) 111, or 115.

Categorical 'Misunderstanding'

Keith Dougherty "Advised" [his wealth clients] (those with Net Worth Greater than $3,000,000.00); [he] Keith Dougherty is 'recognized' even by the IRS as the #1 Expert [in the Limited Area] of "Comprehensive Financial Planning" [for Closely Held Entities] and "Licensed Professionals" intersecting IRS Taxation, with "Deferred Compensation" [fully funded and otherwise] including, Stock Options, Qualified & non, ESOP's, Rabbi Trusts, etc.. all the way through the Concept of "Banking On Yourself"; as encountered in the Case 'introduced by LaBar et al." as SEC v. Joseph Cammarata [attempting first] to "Unlawfully Freeze" his $75,000,000.00 in Cash Assets, and ultimately "Seize $114,000,000.00" +/-. Along with "his False Imprisonment" ... for 120 Months Plus???

All In Violation of the Constitution, Laws and or Treaties of the United States.

If explaining to "Athiestic Children" [I would use] the device of "Three Wise Men". 1) Larry Runk II, whose 'cases' intersect with Both Wiseman # 2, Andrew Berkowitz [Medical Mal-practice] Runk v. Dr. Pennock, and Wiseman # 3, Joseph Cammarata "Contract of Adhesion" as a [Defense to False Arrest and 'Malicious Prosecution'] absent "Probable Cause" [where Former Chief Conner] is responsible for the Death of Sara Runk (drug overdose) and then Larry Runk II, 'preventing Keith Dougherty's Commerce' in 13-CV-857 (MD PA)/ 15-1123 (3rd Cir); 14-CV-922 (MD PA) "Runk's Medical Mal-practice" [dismissed for non-prosecution] "Failing to Obtain a Certificate of Merit" (Assigned to Keith Dougherty) [converting it to] "Legal-Malpractice" [Joseph Buckley] who "Surrendered his Law License" [claiming 'concussion syndrome'] from an 'Accident' that occurred 3 weeks after his "Mal-Practice Came to Light"; 'suing for declaratory judgment' [against Judge Bratton Dauphin County Common-Pleas] represented by Michael Dailey [appointed by] the

Supreme Cour[t] who 'procedurally defaulted' by "Mis-Reading Middle District Local Rules"; and then 14-CV-480 (MD PA); Keith Dougherty & Larry Runk II v. ERIE Insurance, Cumberland County Insurance Fraud Unit, [DA David Freed (State Wide Loser [Republican] Attorney General Candidate (AG Kane [indicted] "violating Gran Jury Secrecy" [impeached/removed/convicted/disbarred]) where Runk II was facing a (4) Count Information 'insurance fraud' [15 years, $47,000 +/- Fines] where 'after dragging ADA Smith/DA David Freed to the Supreme Court (2) Times' Runk was permitted to enter probation for 1 Year [and did not need to plead] 'to anything', allowing him to retain his $250,000.00 +/- Gun Collection [kept at his hunting cabin] on his 30 Acre Residence [as his main concern (Free Will)] (not willing to go to trial); Attorney McKnight from Carlisle indicated "They are so intimidated by your Financial Advisor ... they are willing to do anything to make this case go away" and then Donald J Trump "Nominated David Freed as United States Attorney for the Middle District of Pennsylvania" [where he and Former Chief Smith] concocted this 'RICO Conspiracy'; the Key to "The Medical Mal-Practice Argument" [is Title 1 Pa. C. S. Sec. 1921] only authorizes "courts to declare legislative intent" [in medical mal-practice "That the Experts are 'qualified' "], "Full Time Teacher" or "Clinically Active Within 3 Years???" ... Blade-man (Hired By Buckley, [Board Certified]) had performed his last 'Alfieri Repair' [by the procedure used] within 3 Years of Runk Signing the Buckley Fee agreement, and Keith Dougherty 'advanced [Runk] $16,500.00 on the Basis of "Buckley's recommendation" two year demand note 7.5% simple interest'; Blademan's Board Certification was [still valid] at the Time Bratton [shunned Buckley as a Cumberland County [Business Attorney] practicing in Dauphin County 'Without Permission' (in a Medical Mal-Practice no Less)] ... Keith Dougherty was 'prohibited as an assignee' using Walacavage v. Excell 2000 (Pa.Super 1984) (citing Simbraw Inc. v. United States 1966 [as its authority]);

The "Insurance Fraud" was made 'legally impossible' by Pennsylvania Act 78 as Amended by Act 68 (1998) 'which any qualified protection Planning Specialist would need to know' and the "Preliminary Hearing" was Conducted by Magistrate Fegley [Cumberland County] 'elected official' who had (0) Zero "Insurance Contract Law Training" [and had never faced a motion to dismiss] as those things only take place in "Big Boy Court"??? When he 'asked Runk's Criminal Attorney Orr' being 'totally unfamiliar with Marshal v. Jericho (1980)' ... Orr, identified Ward v. Village of Monroeville (1972) "As an Ohio Case" [as opposed to "Unqualified Elected Officials" serving in a

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FROM: 76873067
TO: Brady, Dave; Cammarata, Rich; Greenfield, Steve; Wilson, Mark
SUBJECT: Wise-Men
DATE: 10/05/2024 07:37:59 PM

Judicial Capacity 'voiding the tribunal jurisdiction'] ... Auburn 568 U.S., At 153:

> all litigants can attack the tribunal-jurisdiction at any time even after conceding the "Tribunal" [has 'Subject-Matter Jurisdiction' (not just over the 'subject generally') but of the 'Case-Or-Controversy' [in dispute]], sometimes Misstated as "Subject-Matter Jurisdiction" [you cannot have "Subject-Matter Jurisdiction" [and simultaneously] be declared to not have "Subject-Matter Jurisdiction" [Bell v. Hood] 'a District Court must retain subject matter jurisdiction [if only] to determine "If the Constitution or Law" is Given One Reading 'it is retained', and a different reading 'it is absent' ' if only to say "dismissed With Prejudice"]; See 15-CV-5516 (ED PA);
>
> > On Track Transportation v. White {87 U.S. P. Q. 2D (BNA) 1556} We note that the Eastern District of Pennsylvania has produced a thorough and well reasoned opinion In On Track Transportation, Inc. v. Lakeside Warehouse & Trucking, Inc. 245 S.R.D. 213 (ED Pa. 2007), in which it held that a registering court had the power to decide a Rule 60(b)(4) motion ... [here as to 11-2631/11-3598/13-1040/13-1904/13-3772 (the Only 'case' Dr. Berger "had on her laptop" [to be reviewed] 2nd Psych eval. 12/16/2019]) 22-1666/23-2735/23-2989 (3rd Cir) [That Confused Andrews [as] Fake Victim #3] as to 17-CV-1541 (MD PA) Rule(s) 12/55] ... (again) ... challenging a rendering Court's default judgment ... [or RICO 'conspiracy' [refusal] to Enter Default/ Default Judgment by the Clerk] 18 USC Sec. 2076/ 18 USC Sec. 371/ 18 USC Sec. 1951(b)(2) [Simbraw Inc. v. United States]... for lack of Subject Matter Jurisdiction ... [[as] a "Misstatement of law"] now Corrected as "Tribunal-Jurisdiction" where "No Passage of time can make a void Judgment Valid" opinion of Judge Robreno [Cuban Born] "American Marxist" ... [aka] "Napoleonic Law"] that leads to a 'Guillotine Revolution' ... "Off With Their Heads"! ... Id. 214-23.

[Tribunal Jurisdiction] defense: by Contract of Adhesion Detailed in Erie v. Lake (1996) 'severely limiting when and if an "Insurance Carrier" [can refuse to renew] "cancel" a policy, or 'claim [policy] rescission' ' as a means of [avoiding an insurance claim]; where the Comm v. Runk II dispute was the Difference between the $500 Collision Deductible and the $50 Comprehensive deductible where ERIE's Comprehensive Rider is "Sloppily Written" in pertinent part, "We will pay the comprehensive deductible if our insured makes 'contact' with any person, animal, bird, missile or flying object" ... where as a "Contract of adhesion" not only is the "Claimant" entitled to a Favorable reading [as the non-drafter] 'the suggested intent put forth by the "Carrier" must be read "against their desired reading" ' ... it must emphatically say something like ... "We will only-pay ... if our insured makes 'physical contact' with the "Animal sufficiently to do damage, of at least the Difference between the Deductibles" here $450.00.

It was for reasons such as this that CNA's Colossus Software had identified "Keith Dougherty as too dangerous to be permitted to 'plead and defend for himself' " ... Where "Colossus" could be the first example of "Artificial Intelligence" [as an oxymoron] where "Computers are [just] Binary"???

The Notes of the Covert meeting 1/30/2014 ... Orr's office, ADA Smith and Detective Smith indicate Keith Dougherty filed a "Declaratory Judgment Action" 14-CV-529 (CC CP) 1/27/2014; Jury Trial Demanded [dismissed by subterfuge] Walacavage v. Excell 2000 [ERIE Criminal Conspiracy] through the [Cumberland County] Insurance Fraud Unit. Bringing us to the Connection with SEC v. Joseph Cammarata 21-CV-4845 CFK (ED PA);

Joseph Cammarata's Business Model "[he] as a stock wholesaler" [purchased large quantities of stocks] in his [wholesale account] as the Creator of Speed Route, where he had paid [fees] during the times in question of $130,000,000.00 +/- in [the most highly discounted] transaction fees. Billions of Shares. Where he may [or might] agree to acquire 100,000 shares to then deliver to a broker a single trade at a specific price [with a risk of cancellation (as an "Arm's Length" [transaction]). As of 6/5/2023 Keith Dougherty 'drafted and signed' Ex parte: Joseph Cammarata as 'Applicant' 28 USC Sec. 2242 [relying on Article VI of the Pennsylvania Frame of Government] and NAACP v. Button, 371 U.S. 405, 428-429, 437-438 (1963);

Ex Parte Joseph Cammarata 23-CV-2238 (PA)

I. Recommends the process ([SEC]) Suing For [Securities Fraud] or other Significant Fraud be forever 'recognized' as the Joseph Cammarata "Significant Fraud Test" as possibly an 'extinction event' for the Third Circuit.

A. For all cases [alleging [Mail or Wire] fraud] 'of $100,000.00 or More' the SEC [would] be 'required to hire' A Certified Financial Planner practitioner who is 'willing and able' to engage in "Comprehensive Financial Planning For Closely Held Entities" (outlawed by most major Firms [after the First Union Settlement] due to 'unlimited liability') as A Trade Mark Protected License, along with Charter Life Underwriter Designation From the American College of Bryn Mawr, also a Trade Mark Protected Designation, as well as an Enrolled Agent by Special Examination

[After EGTRRA (2001)]

as a 'Test' [4 Part(s) over only a Two Day Period (Once a Year)] where 100% of the 11 Hour Multiple Choice Examination [involves] only IRS, Law, Rules, & Regulations including [Reporting and Withholding] 'record keeping' asset [treatment] including "Private Determination(s)" & "Hardship Waiver(s)" [offer in Compromise] and "Appeal Processes [as detailed in Boechler P. C. v IRS]"; 9-0 "Jurisdiction" [cannot be described in a] ("Parenthetical"). And 'only [Supreme] Cour[t] Precedent' can be cited.

[For] 23-CV-2238 (ED PA)

Stated simply: The 'Vagina Hat Prosecution' [Just Like] Murphy v. NCAA "Misstates [Commandeering] and or Preemption" [Categorical Precedents] e. g. just Like the Enron Task Force Disaster [Christopher Wray] Andrew Weissman "Lead Prosecutor" [indicted] Andersen Accounting LLP (as a "Corporate Defendant" [without corporate form]) by expanding 18 USC Sec. 1512 ... Indicted and Convicted in 90-Days, where One GP 'committed suicide', another 'died by stress related heart attack' 85,000 jobs [were] lost, where within

2 years +/- the [Supreme] Cour[t] reversed 9-0, and undaunted the same "Mob" convicted the "Real Vilan" Jeffrey Skilling, of Honest Services Fraud "Bribing Himself" [by expanding] Wire-Fraud & Mail-Fraud [as here] "while properly convicting [Skilling] for insider Trading" [Wire/Mail Fraud Convictions Reversed]; where this term "Again" the January 6'rs were 'freed' when again the [Supreme] Cour[t] indicated Prosecutors cannot expand 18 USC Sec. 1512(c)(2) [except for Donald J Trump]?

So: the Categorical Approach [precedents] applies to 924(c) in the same way as it applies to Wire Fraud and Mail Fraud ... in that "Mail is Not fraudulent" and 'wiring money to yourself' is not an act of 'Fraud'! Joseph Cammarata (HEREINAFTER "Joe") 'can verify' when Keith Dougherty met him 4/2022 Keith Dougherty used the technique included as n. 21 Faretta v. California. Paragraph by Paragraph in his Indictment. It took maybe an hour + ... Keith Dougherty asked "Do you now have a better understanding of the Government's Case Against you"? Joe answered in the affirmative. I then asked 'you built "Speed Route" or so I am told ... and 'did you manage' stockbrokers, and financial Advisors or were you just 'corporate management' (are you [or more appropriately were you] licensed as a "compliance officer") he answered in the affirmative. Keith Dougherty asked: "How many years were you in the Securities Industry". Joe answered 31. Keith Dougherty asked 'can you take your 31 years experience' and point to [which paragraph] "within the 4 Corners of the Indictment" that describes a "Security Transaction"? He froze, and indicated "it isn't there" ... I said have any of your attorneys done anything like this for you? He replied "No". I said, they are no longer a "profession" they exist to :"Maximize Billable Hours for their collogues". Keith Dougherty was under the impression Joe had paid $120,000.00 up to that point ... and indicated It was a shame that a man would pay $120,000 and get such poor performance, ... Joe interrupted "$694,000", before paying a $2,000,000.00 'retainer for a California Attorney' who advised "you have to wait until you are sentenced" [before using Habeas Corpus], and then receiving a (3) page letter advising the Government's Case is overwhelming, advising [a] 'guilty plea' and [then] "Refusing to File any Post Trial Motion"; where ultimately Chad F Kenny [removed the Securities Enhancement] reducing the 293 Month Sentence [requested] to 120. While saying for the first time "You Owned the Trade Data" [but] "You did not Own the Trade Rights"!!!

Details!

1. Joe was 'convicted of identify theft' [but he was never indicted] for "Identity Theft";
The categorical approach for "Wire & Mail Fraud" requires a "predicate offense" [there never charged].

The elements precedent requires "???" He owned a "$10,000,000.00 Cash Value Life Insurance Policy" +/- issued by a "Mutual Insurance Company"??? And the Vagnina Hat Prosecution [violated the Commandeering precedent] Indicating "you [claims administrators] shouldn't allow people with > $100,000,000.00 to 'participate'!

Here "To be Detained" prior to trial "requires a predicate offense": [crime of violence] "firearm" 'drugs', 'trafficking' ... where as detailed. "A True Threat Recklessly Transmitted Can never Be Crime of Violence". Counterman v. Colorado (6/27/2023);

FROM: 76873067
TO: Brady, Dave; Cammarata, Rich; Greenfield, Steve; Wilson, Mark
SUBJECT: A & C
DATE: 10/07/2024 09:20:00 PM

Procedural Recommendation(s)

As supra, The United States [by its hybrid(s)] aka "Inferior Tribunals" [are [as] if "Bastard Creations" of All three Branches, "Are Not a Federal [Executive Agency]", and therefore [are] not 'controlled by the Administrative Procedures Act (HEREINAFTER "APA")'; and since, the Improvements to Access To Justice Act 11/19/1988, The [Supreme] Cour[t] was 'stripped of its power to to create or Modify Rues of Practice and Procedure'; see 23-CV-1119 NIQA (ED PA) ("Default Properly Invoked" 6/13/2023); and The [Supreme] Cour[t] was 'stripped of its authority to "Create or Modify Federal Rules of Evidence" [repealing] 28 USC Sec. 2076', clarified by adding 28 USC Sec. 2074(b); it all [then] is clarified when Federal Rule of Evidence 501 "Became Law" as of 12/1/ 2011; imposing the Rules of Decision Act 28 USC Sec.. 1652, in the last sentence of Rule 501 'State Privilege Law provides the Rules of Decision "In all Claims ... and Defenses" ' because the only function of the Bill of Rights [as a "Condition Subsequent" (*to the 1789 Constitution) [after the 1787 Draft was "Rejected by the Colonies"]] is to Restrain "Federal Power" where if you as the District Court "Refuse to Enforce Article IV Sec. 4 "must simply resign" or recuse". See Bruen, 213 L Ed 2d, at 418 First Amendment ... Fourth, Sixth, Eighth, as well as the Second to Include 'the prefatory clause' [a "Well Regulated Militia is the last resort of a Free Society"; Heller, 554 U.S., at 597-598]; "which means" all of the Signers, of the last order of 'denial of subject-matter jurisdiction' 23-2989 [are facing 42 Years as Hobbs Act, Salinas Co-conspirators] where 'although they cannot enter default' against Chief Chagares et al. they are "Required by Law" to declare George Wysol "Is an Appointment Clause Violation" and 'resolves all these Cases in the Most Just Speedy and inexpensive Manner under Federal Rule of Civil Procedure 1'; [as amended 12/1/2015] "by Keith Dougherty's Efforts 1 of 5 Petition(s) "Cert. Denied" (2014)".

Former Chief Scirica, must be 'deposed' in a "Recorded Interview" [for later in camera review] by Judge McHugh to explain: Judge Sciria's Opinion [Judge Alito in the Dissent] (1991) where Virgin Islands Law Required "The Prosecution" [to prove beyond a reasonable doubt] "Self-Defense Does not Exist" [in the those set of Facts] "Felon, in Unlawful Possession of a Firearm, and during the Commission of a Crime, was not only "Entitled to the Jury being Given a 'Self-Defense Instruction' but having his Conviction "overturned"" because "The Judge Did not Properly Instruct [the 'burden of proof']"; where (2) West Virginia Prosecutors

pleaded with a Delaware Judge "If You Allow "Keith Dougherty" ... to speak these words to a Dauphin County, Pennsylvania Jury [as to] 18 Pa. C. S. 505(a)(B)(2.3)(i)(3) as [would be explored] in the Software Program offered by Keith Dougherty [in BASIC] 13-CV-447 (MD PA) 'referenced by Jordon' [13-1040 (3rd Cir.) "Keith Dougherty is 'Vexatious" ... He Keith Dougherty "will confuse the jury" " ... ([as] a euphemism [we will never be able to secure a "Guilty Verdict"]) ... as part of the RICO 'conspiracy' [where] Scirica under Marshall v. Jerrico (1980) could not be 'assigned' to either 20-3303/ or 23-2735 (3rd Cir.) ... and is therefore facing 41 & 42 Years under Hobbs Act Extortion "using unlawful force" [see Faretta v. California] documents attached?

Were "The" FAG Brain and "Fred Flintstone" [should be sentenced to be Drawn and Quartered] with the Lower Right Quarter being sent to the Virgin Islands! Where the Left Quarter, would be sent to Pittsburg ... for the Staff of Former Chief Conti (JADC HEREINAFTER "Just Another Dumb Cunt") Fake Victim In Re: 17-CV-1541 (MD PA); (In order of Appearance) Former Chief Judge Kane (JADC), Former Chief Clerk DiAndrea (JADC), Former Chief Judge Chasanow (JADC), Former Chief Clerk Marsha Waldron (JADC), Magistrate Donio (JADC), Judge Ketanji Brown Jackson (JADC), Judge Rendell (JADC), Chief Clerk Barkman (Not JADC), Chief Clerk Patricia Dodszuweit (JADC), & Jaqueline Romero "Vagina Hat Prosecutor" (JADC);

Faretta v. California, 422 US 806, 812-813 (1975) n. 16, n.17, n. 18, & n. 21 [Attached] where Keith Dougherty is the Modern Equivalent of William Pyrnne "argued his writings were "Licensed" " in the Star Chamber Court [and because no attorney] licensed to practice in the "Political Court" would sign his pleadings (even though he was an Attorney) his pleadings 'were ignored' and it was taken as a "Confession", and (5) Years "After King Charles I lost his Head" he was convicted a 2nd time of "Libel" and since his ears had already been 'cut off' his cheeks were branded.

Argument

Because the crimnal proeedings are "Stayed" it is appropriate to:

Provide Prelimianry Injunction as to IOP10.6/LAR 27.4 [as to all cases related to Keith Dougherty]:
"Simbraw Inc v. United States and Its progeny";
"Reese v.Wardn Philadelphia" [as applied];
and Order LaBar to defend all days from 5/6/2019 trough day of trial 12/20/21; +/-
as Chief Connolly & his staff, face "Civil Damages" [when it is revealed] the Speedy Trial Act
Was Violated and the [Superseding Indictment ECF 89 is dismissed] as such there is no "Super-
vised Release Violation," and Keith Dougherty is 'returned to the same status' as he was in
5/6/2019 [needing] Video including the Colequey "SAUSA Ibrihim" [stand in] "The Government
seeks a stay on Keith Dougherty's Civil Cases"; Magistrate Burke "I can't do that, 'that would violate
his rights' " [refusing to accept] a 'third party letter' [Former Chief Judge Conner [as] "Adressee, Recipient"]
used as "Fake Victim" #1; ECF 10, p. 2; was mailed 5/6/2017 and/is [not] an emergecy [if] it took until
5/6/2019 "To Arrest Him"!

Or Provide a Seventh Amendment Jury: Federal Rule of Civil Proceure 57 (38/39) "Only a Jury
for the WIliam Penn Defense": Faretta 422 U.S. 806 (1975) Footnote n. 37 The Bill of Rights
A Documentary History Scwartz, 1971; Volume I, p. 150 Rec: we are here to see if you are guilty
of this Indictment. Penn: We are here to see if your indictent be lawful. (3rd September, 1670);

The Third Circuit Must Provide Continuing Education For
its Probation, Marshals, as well as Lawyers, Clerks Magistrates and
Judges

The Bill of Rights "Restrains Federal Power"

As in Article IV Sec. 2 cl. 1 "immunity from arbitrary and capricious prosecutions";

I. Confusion over [Supreme] Cour[t] Categorical Precedent. Magstrate Carlos?

A. 'A Crime of Violence' [must have actual physical contact] with 'evil intent';

United States v. Taylor [is not just as a decision] saying "Attempted Hobbs Act Robbery 'is not a crime of violence' and therefore cannot be a "Predicate Offense" For 924(c)"; it indicates RICO "Murder For Hire, and Kidnapping" are not a 'crime of violence'; but Footnote 2. indicates "Threat" as applied to Hobbs Act Extortion by Fear or Threat of violence" is a [predicate offense] for 924(c);

Where Footnote 1 'combines categorical precedent [with] elements precedent' to Resolve For instance "The Bail Motion Reform Act" [prohibits detention] for either "A Counterman v. Colorado [True Threat] or a garden variety 'threat' absent 'each of the elements' as in "Firearm", or Sec. 1591?

II. LaBar, must stipulate 22-1666 was "Denied Cary v. Piphus due Process", [and was dismissed] relying on IOP 10.6/ LAR 27.4 [in violation of] Federal Rule of Appellate Procedure 47;

23-2735 was "Denied Carey v. Piphus", [and was dismissed] relying on IOP 10.6/ LAR 27.4 [in violation] of Federal Rule of Appellate Procedure 47;

Where Former Chief McKee, created the Panel of the Chiefs, 11-2631 (3rd Cir); Former Chief Scirica, Former Chief Smith, and Current Chief Chagares, face 41 Years in Prison [if] George Wysol is "an appointment clause violation" [unless] settlement is achieved.

When 'adding 11-3598 (3rd Cir.) Tribunal Jurisdiction 'was forever void' [on both] cases [allowing] Federal Rule of Civil Procedure 60(b)(4)'; in Light of DeVelier v. Texas (4/16/2024) Citing Knick v. Twp.. of Scott (6/21/2019) citing First Evangelical Lutheran p. 321 "Once a Taking Has Occurred, nothing the Government Subsequently Does can Relieve it of its duty to Pay Just Compensation for the entire Time the Taking is effective". Where the Just Compensation Clause is "self-executing" and "Irrevocable";

III. LaBar must 'Defend' all days Greater than 70 from 5/6/2019 through 12/15/2021 under ECF 12 Speedy Trial Act motion 5/3/2023.

Christian J. Henry [Thou shallt not take the moniker of the Messiah] "In vain"

I. crnotice (July 2021) is a 'product of the 1988 Improvements to the Access To Justice Act (11/19/1988) that "authorized interpreters" [for the Defendants] and 'Must now Include' The Joseph Cammarata "Significant Fraud" and "Financial Incompetence Test" '; (Taxpayer Liability "Without Apprpriation Authority");

Article IV Sec. 2 cl 1
"Privilege Against Unreasonable Seizure"
[absent probable cause]
"Privilege against Arbitrary and Capricious Prosecution"

A. When Dr. Berkowitz "was attacked' by unlawful (Government) 'process' [for unlawful] distribution of [Controlled substance] it Triggered the "Greater Protections"

FROM: 76873067
TO: Brady, Dave; Cammarata, Rich; Greenfield, Steve; Wilson, Mark
SUBJECT: Conclusion
DATE: 10/08/2024 06:28:09 PM

of Article I Sec. 8 [in light of Federal Rule 501] Charges et al.
in default 6/13/2023. 'Taxpayer Liability' $3,233,000.00 [Keith Dougherty]

Where under the Habeas Corpus Act of 1679 "Passed to Control King Charles II"
(who was "appointing corrupt judges" [pretending power to deny Habeas Corpus]);

When Judge Diamond "After Defaulting [his] 'Tribunal-Jurisdiction' under the Griggs
Principle [was required to "Stay the Criminal Case"] until "Default Was Entered by
Kate Barkman" and instead he 'coined the phrase "Denied Without Prejudice"
as a 'Constitutional Crime' [suspending habeas corpus] in ight of Article VI cl. 2';

The Constitution "Prohibits a Judicial Monarchy"
Modeled after "The Cromwell Protector Privy Council"
1649-1660 "The Commonwealth Experiment"

In a Democratic Uprising the English People Dug
Cromwell Up 'convicted him and two of his associates' of
Treason 'and put their heads on spikes outside of a Castle'
Democracies "Always End Violently"
Serving as the "Basis for Recommending" (3) State Court, (3)
District and then (3) Circuit [Judges] ...

B. Joseph Cammarata [will certify under oath] Keith Dougherty 'advised' the Indictment "Implied Identity Theft" [but never] Said the Magic Words within "the Four Corners" a "Consistent and Recurring Theme"!
"Arbitrary & Capricious"

1. Keith Dougherty CLU, EA 'advised' at all relevant times, the Claims Administrators 'had the exclusive responsibility' [to use IRS Form 1042-s] to "Report to the Internal Revenue Service 100% of the $43,500,000.00" Distributed 'through the Cash Value Life Insurance, Owned by Joseph on the Life of Joseph Cammarata [issued by a "Mutual Insurance Company"]';

Due to the Affordable Care Act (2010)

Where a "Cash Value Life Insurance Vehicle" is Like a [Super-Roth] IRA with Greater Flexibility". And is distinguishable from a "Stock Insurance Company" in that a "Policy Owners "Own a portion of the Company" [not true] for "Insurance Stock Companies" ";

Under the Due Process Protection Act PL 116-182 (10/21/2020) all 1042-S's "are exculpatory" ... and when 'demanded the Vagina Hat Prosecution Ignored the Discovery "Demand" '! Where the Act "Required Chad F Kenny" [he] was required to Read the admonition into the Record at 'first appearance' followed by a "written order" where it is now confirmed 'the Eastern District of Pennsylvania' [refuses] to comply.

2. Keith Dougherty 'advises' [when Joseph Cammarata] "after conviction" [moved under] LUIS v. United States for $255,000.00 of his $5,000,000.00 'untainted brokerage account' [the Vagina Hat Prosecution] "Extorted Him" to 'repatriate $5,000,000.00 from His Cash Value Life Insurance Policy' [to allow "ultimate seizure" [without lawful authority] to then have $255,000.00 to pay for his direct Appeal.

Keith Dougherty as "Intervenor as a Matter of Right" [advises] "Chad F Kenny Just as the

Denis v. Sparks (1980) [Judge] is Facing 42 Years 'for Hobbs Act Extortion Under Color of Official Right' (Evans 1992)".

Federal Rule of Evidence 501 Requires
Federal Courts to Utilize the Greater Privilege Law of Pennsylvania
In Both Mandamus [Lindy Homes v. Sabatini (1982)]
Peremptory Judgment [imposed by the Fourteenth Amendment]
as well as Pa.R.C.P. 1096 'no cross complaint'
when named as a "Mandamus Respondent";

Along With The Habeas Corpus Act of 1679
42 Pa. C.S. Sec. 6503 "For Any Reason
what so Ever";

IV. Judge Jordon 'must be deposed' [video if necessary] as to his influence on Judge Rendell Wolfe v. Allstate Property & Casualty, 790 F.3d 487; 2015 U.S.App. LEXIS 9876, Rendell, Jordon, Lipez*

Allstate appealed from these orders and also claimed on appeal Wolfe lacked standing ... [Champerty] ... Wolfe's claim was based on an impermissible assignment of Zierle's rights. Because there were conflicting opinions in Pennsylvania and federal courts concerning the assignability of a bad faith claim brought under section 8371, we certified that question to the Pennsylvania Supreme Court, which granted our petition for certification. The Pennsylvania Supreme Court concluded that "the entitlement to assert damages under Section 8371 may be assigned by an insured to an injured plaintiff and judgment creditor {790 F.3d 492} such as Wolfe." Allstate Prop. & Cas. Ins. Co. v. . Wolfe, 629 Pa. 444, 105 A.3d 1181, 1188 (Pa. 12/15/14). Given the Pennsylvania Supreme Court's decision that Zierle's assignment permissible, we now turn to our analysis of Allstate's remaining claims.

In Keith Dougherty v. Carlisle Tire and Wheel Co. Inc, [as a Fictitious Name] under 28 USC Sec. 1441(b) Caption Changed to Carlisle Transportation Inc. [using Federal Rule of Civil Procedure 21] as was Required in 11-3598 (3rd Cir); Cluck U v. Docson Consulting LLC [was required to be changed to] Keith Dougherty v. Cluck U [see the Improvement to Justice Act] 23-CV-1119 NIQA (ED PA) Chief Chagares al. in Default 6/13/2023;

Opinion of Rendell 'citing Jordon's 13-1040 (3rd Cir.) Keith Dougherty [is] "vexatious" ' 15-1123 (3rd Cir.) {563 Ds. Appx. 97} Per Curiam "Keith T. Dougherty, a frequent and frequently vexatious litigator in this Court" ; There is no 'dispute' Jordon says, Keith Dougherty "Cannot Represent Himself" where the Dictionary Act "Disagrees".

Where it is NAACP v. Button, 371 U.S. 405, 437-438 (1963) ("Prohibiting any reference to Champerty" [as interfering] with "Free Association" and "Free Expression" [when choosing 'representation' in Court]) and the [Supreme] Cour[t] "Reversing the Third Circuit using the Dictionary Act 1 USC Sec. 1" in Burwell v. Hobby Lobby, Pennsylvania & New Jersey v. Little Sisters of the Poor, and then [Scirica & Rendell] in Fulton v. Philadelphia Clearly establishes "It is the Third Circuit" who refuses to be "Constrained" by the Bill of Rights, see Concurrence of Justice Alito "Using Heller";

Rendell/Jordon must be deposed as to how "She Refused to Accept" Sprint v. APP Aggregators 'assignees' ... based on "what the Pennsylvania Supreme Court might say about Frederick Motz's 'incoherently citing' [of] Champerty" in a "Chose In Acton" {15-1123 (3rd Cir. 5/15/2015)} 5 Months After the Pennsylvania Supreme Court had 'answered their certified question' by Jordon & Rendell *Lipez [and the [Supreme] Cour[t] had Rejected the Notion] of Champerty in 1963???

Who is Vexatious???????????

As supra, Second Amendment Foundation v. Commissioner Pennsylvania State Police, 91 F.4th 122; 2024 U.S. App. LEXIS 1159; Preliminary Injunction "Against Simbraw Inc. v. United States";

"militia or National Guard": {2024 U.S. LEXIS 22}

See n. 10 ECF 10, p. 10 of 15 Detention Motion? "Vexatious"!

V. The Government in 20-CV-3351/ 23-CV-2238 (ED PA) 'Finds itself in the Same Position' as Lorenzen [Estate of A Very Stupid Debt Collection Attorney]; 139 S. Ct. 1795, 204 L. Ed. 2d 129 (June 3, 2019) U.S. LEXIS 3890: 9-0

Good faith belief "that you can collect a debt" [does not provide a defense];

Joseph Cammarata [a] "Limited Partner" of Alpha Plus Recovery LLC, where the only Crime is "LLC Tax Evasion" & "Tax Fraud [of] $27,000,000.00" [required to be Reported] On IRS Form 1065 'partnerships' pay no 'taxes' and all "Self-Employment Income" of "the" Managing Member [as [a] General Partner] is Reported on [A] K-1;

Joseph Had no reportable income in the $16,500,000.00 [where the Claims Administrators] Reported $43,500,000.00 in the name of Quartis LLC & Nimello LLC??

Conclusion

A Jury to Provide "Declaratory Judgment" that Simbraw Inc v. United States is Hobbs Act Extortion [By Unlawful Official Force] under 'color of official right', & the "Appointment Clause" [viollation]. We have to 'start somewhere'. 'Last Resort'!

It would be best for The Government "to Stipulate George Wysol et al. are an appointment clause violation and 'is/are terminated as detailed in Supervise Release Violation' Count I, [dismissed] to settle as detailed in the reference to City of Monterey v. Del Monte Dunes (1999); "Punitive Damages"; [only available due to denial of "any" forum];

Keith Dougherty (76873-067)
Organizer/CEO/Member Docson's Militia
FDC Philadelphia
PO BOX 6562
Philadelphia,PA 1915

ANTHONY PASQUALL FARETTA, Petitioner,

vs.

STATE OF CALIFORNIA

422 US 806, 45 L Ed 2d 562, 95 SCT 2525

[No. 73-5772]

Argued November 19, 1974.

Decided June 30, 1975.

II

In the federal courts, the right of self-representation has been protected by statute since the beginnings of our Nation. Section 35 of the Judiciary Act of 1789, 1 Stat 73, 92, enacted by the First Congress and signed by President Washington one day before the Sixth Amendment

[422 US 813]

was proposed, provided that "in all the courts of the United States, the parties may plead and manage their own causes personally or by the assistance of ... counsel. ..." The right is currently codified in 28 USC § 1654 [28 USCS § 1654].

[16] Such a result would sever the concept of counsel from its historic roots. The first lawyers were personal friends of the litigant, brought into court by him so that he might "take 'counsel' with them" before pleading. 1 F. Pollock & F. Maitland, The History of English Law 211 (2d ed 1909). Similarly, the first "attorneys" were personal agents, often lacking any professional training, who were appointed by those litigants who had secured royal permission to carry on their affairs through a representative, rather than personally. Id., at 212-213.

[17] "The court of star chamber was an efficient, somewhat arbitrary arm of royal power. It was at the height of its career in the days of the Tudor and Stuart kings. Star chamber stood for swiftness and power; it was not a competitor of the common law so much as a limitation on it-a reminder that high state policy could not safely be entrusted to a system so chancy as English law. ..." L. Friedman, A History of American Law 23 (1973). See generally 5 W. Holdsworth, A History of English Law 155-214 (1927).

18 "The proceedings before the Star Chamber began by a Bill 'engrossed in parchment and filed with the clerk of the court.' It must, like the other pleadings, be signed by counsel .... However, counsel were obliged to be careful what they signed. If they put their hands to merely frivolous pleas, or otherwise misbehaved themselves in the conduct of their cases, they were liable to rebuke, suspension, a fine, or imprisonment." Holdsworth, supra, n 17, at 178-179. Counsel, therefore, had to be cautious that any pleadings they signed would not unduly offend the Crown. See 1 J. Stephen, A History of the Criminal Law of England 340-341 (1883).

This presented not merely a hypothetical risk for the accused. Stephen gives the following account of a criminal libel trial in the Star Chamber:

"In 1632 William Prynne was informed against for his book called Histrio Mastix. Prynne's answer was, amongst other things, that his book had been licensed, and one of the counsel, Mr. Holbourn, apologised, not without good cause, for his style. ... His trial was, like the other Star Chamber proceedings, perfectly decent and quiet, but the sentence can be described only as monstrous. He was sentenced to be disbarred and deprived of his university degrees; to stand twice in the pillory, and to have one ear cut off each time; to be fined #5,000; and to be perpetually imprisoned, without books, pen, ink, or paper. ...

"Five years after this, in 1637, Prynne, Bastwick, and Burton, were tried for libel, and were all sentenced to the same punishment as Prynne had received in 1632, Prynne being branded on the cheeks instead of losing his ears.

"The procedure in this case appears to me to have been as harsh as the sentence was severe, though I do not think it has been so much noticed. ... Star Chamber defendants were not only allowed counsel, but were required to get their answers signed by counsel. The effect of this rule, and probably its object was, that no defence could be put before the Court which counsel would not take the responsibility of signing-a responsibility which, at that time, was extremely serious. If counsel would not sign the defendant's answer he was taken to have confessed the information. Prynne's answer was of such a character that one of the counsel assigned to him refused to sign it at all, and the other did not sign it till after the proper time. Bastwick could get no one to sign his answer. Burton's answer was signed by counsel, but was set aside as impertinent. Upon the whole, the case was taken to be admitted by all the three, and judgment was passed on them accordingly. ..." Stephen, supra, at 340-341.

That Prynne's defense was foreclosed by the refusal of assigned counsel to endorse his answer is all the more shocking when it is realized that Prynne was himself a lawyer. I. Brant, The Bill of Rights 106 (1965). On the operation of the Star Chamber generally, see Star Chamber Mythology, 5 Am J Legal Hist 1-11 (1961), and Barnes, Due Process and Slow Process in the Late Elizabethan-Early Stuart Star Chamber, 6 Am J Legal Hist 221-249, 315-346 (1962).

21 Id., at 326.

The trial would begin with accusations by counsel for the Crown. The prisoner usually asked, and was granted, the privilege of answering separately each matter alleged against him:

"[T]he trial became a series of excited altercations between the prisoner and the different counsel opposed to him. Every statement of counsel operated as a question to the prisoner, ... the prisoner either admitting or denying or explaining what was alleged against him. The result was that ... the examination of the prisoner ... was the very essence of the trial, and his answers regulated the production of the evidence .... As the argument proceeded the counsel [for the Crown] would frequently allege matters which the prisoner denied and called upon them to prove. The proof was usually given by reading depositions, confessions of accomplices, letters, and the like .... When the matter had been fully inquired into ... the presiding judge 'repeated' or summed up to the jury the matters alleged against the prisoner, and the answers given by him; and the jury gave their verdict." Id., at 325-326.

JARED WOLFE v. ALLSTATE PROPERTY & CASUALTY INSURANCE COMPANY, Appellant
UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT
790 F.3d 487; 2015 U.S. App. LEXIS 9876
No. 12-4450
April 27, 2015, Argued
June 12, 2015, Opinion Filed

Editorial Information: Prior History

{2015 U.S. App. LEXIS 1}On Appeal from the United States District Court for the Middle District of Pennsylvania. (District Court No.: 4:10-cv-00800). District Judge: Honorable John E. Jones, III.Wolfe v. Allstate Prop. & Cas. Ins. Co., 2012 U.S. Dist. LEXIS 191526 (M.D. Pa., Mar. 30, 2012)Wolfe v. Allstate Prop. & Cas. Ins. Co., 2012 U.S. Dist. LEXIS 191551 (M.D. Pa., July 23, 2012)

Counsel William P. Carlucci, Esquire (ARGUED), Robert B. Elion, Esquire, Elion Wayne Grieco Carlucci & Shipman, Williamsport, PA; Michael A. Dinges, Esquire, Dinges, Dinges & Waltz, Williamsport, PA, Counsel for Appellee Jared Wolfe.

Marshall J. Walthew, Esquire (ARGUED), Sara B. Richman, Esquire, John L. Schweder, II, Esquire, Kristin Jones, Esquire, Pepper Hamilton, Philadelphia, PA, Counsel for Appellant Allstate Property & Casualty Insurance Co.

Judges: Before: RENDELL, JORDAN, and LIPEZ,* Circuit Judges.

CASE SUMMARY Punitive damages awarded in the underlying case were not compensable in a suit alleging an insurer's failure to negotiate settlement in good faith because shifting liability for punitive damages to an insurer violated Pennsylvania's public policy; thus, evidence of the award was not relevant under Fed. R. Evid. 401, 402, and admitting it was error.

OVERVIEW: HOLDINGS: [1]-Punitive damages awarded in the underlying case were not compensable in a suit alleging that an automobile insurer had failed to negotiate a settlement in good faith because shifting an insured's liability for punitive damages to an insurer violated Pennsylvania's public policy; [2]-Thus, the evidence of the punitive damages award was not relevant under Fed. R. Evid. 401, 402, and the district court erred in allowing it to be presented to the jury; [3]-The insurer was not entitled to summary judgment on claims for breach of contract and for statutory bad faith under 42 Pa. Cons. Stat. § 8371 because neither claim required entitlement to compensatory damages, as nominal damages could be awarded on the contract claim and a statutory bad faith claim provided for recovery of punitive damages, interest, and costs.

OUTCOME: Vacated and remanded.

Allstate appealed from these orders and also claimed on appeal that Wolfe lacked standing because Wolfe's claim was based on an impermissible assignment of Zierle's rights. Because there were conflicting decisions in Pennsylvania and federal courts concerning the assignability of a bad faith claim brought under section 8371, we certified that question to the Pennsylvania Supreme Court, which granted our petition for certification. The Pennsylvania Supreme Court concluded that "the entitlement to assert damages under Section 8371 may be assigned by an insured to an injured plaintiff and judgment creditor **{790 F.3d 492}** such as Wolfe." ***Allstate Prop.*** *& Cas. Ins. Co. v. Wolfe*, 629 Pa. 444, 105 A.3d 1181, 1188 (Pa. 2014). Given the Pennsylvania Supreme Court's decision that Zierle's assignment was permissible, we now turn to our analysis of Allstate's remaining claims.

II. DISCUSSION{2015 U.S. App. LEXIS 8}2

Two issues are before us on appeal: First, did the District Court err by permitting Wolfe to introduce the punitive damages award from the underlying suit as evidence of damages? Second, did the District Court err by denying Allstate's motion for summary judgment and holding that Allstate had no duty to consider the potential for punitive damages when valuing the compensatory claim, since the compensatory damages award was within the policy limits, which Allstate paid to Wolfe in full?

It is undisputed that the substantive law of Pennsylvania applies here. In the absence of a controlling decision by the Pennsylvania Supreme Court, we must predict how it would decide the questions of law presented in this case. *Berrier v. Simplicity Mfg., Inc.*, 563 F.3d 38, 45-46 (3d Cir. 2009). "In predicting how the highest court of the state would resolve the issue, we must consider 'relevant state precedents, analogous decisions, considered dicta, scholarly works, and any other reliable data tending convincingly to show how the highest court in the state would decide the issue at hand.'" *Id.* at 46 (quoting *Nationwide Mut. Ins. Co. v. Buffetta*, 230 F.3d 634, 637 (3d Cir. 2000)).3

A. Motion in Limine

First, we address Allstate's arguments regarding whether the District Court committed error in denying the motion in limine. Wolfe persuaded the District Court to admit evidence of the punitive damages award because, if Allstate had acted in accordance with its contractual duty and negotiated in good faith to settle Wolfe's claim against Zierle, the case never would have gone to trial, and the jury never would have awarded punitive damages against Zierle. Allstate argues that, by allowing Wolfe to present to the jury evidence of the punitive damages award in the underlying trial as damages in his current suit against Allstate, the District Court circumvented Pennsylvania's public policy against insuring punitive damages.

TRULINCS 76873067 - DOUGHERTY, KEITH THOMAS - Unit: PHL-D-N

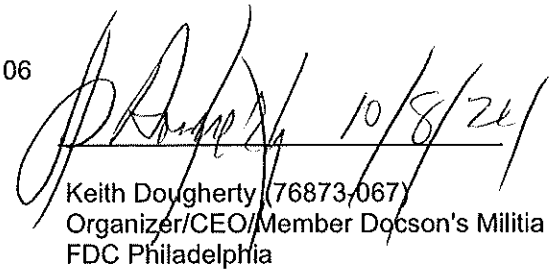
FROM: 76873067
TO: Brady, Dave; Cammarata, Rich; Greenfield, Steve; Wilson, Mark
SUBJECT: Certification of Service
DATE: 10/08/2024 06:30:02 PM

Certification Of Service

I Keith Dougherty do here by certify a copy of the Foregoing has been served by the Prison Mailbox System Postage prepaid, where the Government Can Obtain its copy by ECF

Mailed as Follows:

Clerk of Court ED Pa
RM 2609
601 Market Street
Philadelphia, PA 19106



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